

**FOR PUBLICATION  
UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

ENGINE MANUFACTURERS  
ASSOCIATION,  
Plaintiff-Appellant,

v.

SOUTH COAST AIR QUALITY  
MANAGEMENT DISTRICT, SCAQMD;  
WILLIAM A. BURKE, SCAQMD  
Board Chairman; NORMA J.  
GLOVER, SCAQMD Vice-  
Chairman; MICHAEL D.  
ANTONOVICH, SCAQMD Board  
Member; HAL BERNSON, SCAQMD  
Board Member; JANE W. CARNEY;

CYNTHIA P. COAD; BEATRICE J.S.  
LAPISTOKIRTLEY; RONALD O.  
LOVERIDGE; JON D. MIKELS;  
LEONARD PAULITZ; CYNTHIA  
VERDUGO-PERALTA; S. ROY WILSON,  
SCAQMD Board Members; BARY  
R. WALLERSTEIN, SCAQMD  
Executive Officer,  
Defendants-Appellees,

NATURAL RESOURCES DEFENSE  
COUNCIL; COALITION FOR CLEAN  
AIR, INC.; COMMUNITIES FOR A  
BETTER ENVIRONMENT, INC.;

No. 01-56685

D.C. No.  
CV-00-09065-FMC

PLANNING & CONSERVATION  
LEAGUE; SIERRA CLUB,  
Defendants-Intervenors-  
Appellees.

v.

WESTERN STATES PETROLEUM  
ASSOCIATION,  
Plaintiff-Intervenor.

ENGINE MANUFACTURERS  
ASSOCIATION,  
Plaintiff.

v.

SOUTH COAST AIR QUALITY  
MANAGEMENT DISTRICT, SCAQMD;  
WILLIAM A. BURKE, SCAQMD

Board Chairman; NORMA J.

GLOVER, SCAQMD Vice-  
Chairman; MICHAEL D.  
ANTONOVICH, SCAQMD Board  
Member; HAL BERNSON, SCAQMD  
Board Member; JANE W. CARNEY;  
CYNTHIA P. COAD; BEATRICE J.S.  
LAPISTOKIRTLEY; RONALD O.  
LOVERIDGE; JON D. MIKELS;  
LEONARD PAULITZ; CYNTHIA  
VERDUGO-PERALTA; S. ROY WILSON,  
SCAQMD Board Members; BARY  
R. WALLERSTEIN, SCAQMD  
Executive Officer,  
Defendants-Appellees.

No. 01-56688

D.C. No.  
CV-00-09065-FMC

ORDER ON  
REMAND FROM  
THE UNITED  
STATES  
SUPREME COURT

NATURAL RESOURCES DEFENSE  
COUNCIL; COALITION FOR CLEAN  
AIR, INC.; COMMUNITIES FOR A  
BETTER ENVIRONMENT, INC.;  
PLANNING & CONSERVATION  
LEAGUE; SIERRA CLUB,  
Defendants-Intervenors-  
Appellees.

v.

WESTERN STATES PETROLEUM  
ASSOCIATION,  
Plaintiff-Intervenor-  
Appellant.

On Remand from The United States Supreme Court

Filed May 17, 2004

Before: Alfred T. Goodwin, Pamela Ann Rymer, and  
M. Margaret McKeown, Circuit Judges.

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## **ORDER**

The judgment of this court, 309 F.3d 550 (2002), is vacated and the case is remanded to the district court for further proceedings consistent with the decision of the United States Supreme Court in Engine Mfr. Assoc. v. S. Coast Air Quality Mgmt. Dist., 541 U.S. \_\_\_\_\_ (2004).